

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 20-0644V

UNPUBLISHED

PAMELA GARSTKIEWICZ, as
executor of Estate of Edward Braddock
Jones, III,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: December 21, 2020

Special Processing Unit (SPU);
Damages Decision Based on Proffer;
Influenza (Flu) Vaccine; Guillain-
Barre Syndrome (GBS)

David John Carney, Green & Schafle LLC, Philadelphia, PA, for Petitioner.

Zoe Wade, U.S. Department of Justice, Washington, DC, for Respondent.

DECISION AWARDING DAMAGES¹

On May 26, 2020, Pamela Garstkiewicz, as executor of the estate of Edward Braddock Jones III filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*² (the “Vaccine Act”). Petitioner alleges that Mr. Jones developed Guillain-Barré syndrome (“GBS”), which caused his death, as a result of an influenza (“flu”) vaccine that was administered on October 15, 2019. Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On December 15, 2020, a ruling on entitlement was issued, finding Petitioner, as executor of the estate of Edward Braddock Jones III, and on behalf of said estate, entitled

¹ Because this unpublished decision contains a reasoned explanation for the action in this case, I am required to post it on the United States Court of Federal Claims' website in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). **This means the decision will be available to anyone with access to the internet.** In accordance with Vaccine Rule 18(b), Petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all “§” references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

to compensation. On December 18, 2020, Respondent filed a proffer on award of compensation ("Proffer") indicating Petitioner, as executor of the estate of Edward Braddock Jones III, and on behalf of said estate, should be awarded \$375,000.00 (comprised of \$125,000.00 for pain and suffering and \$250,000.00 for the statutory death benefit). Proffer at 1-2. In the Proffer, Respondent represented that Petitioner agrees with the proffered award. *Id.* Based on the record as a whole, I find that Petitioner is entitled to an award as stated in the Proffer.

Pursuant to the terms stated in the attached Proffer, **I award Petitioner a lump sum payment of \$375,000.00 (comprised of \$125,000.00 for pain and suffering and \$250,000.00 for the statutory death benefit) in the form of a check payable to Petitioner.** This amount represents compensation for all damages that would be available under § 15(a).

The clerk of the court is directed to enter judgment in accordance with this decision.³

IT IS SO ORDERED.

s/Brian H. Corcoran
Brian H. Corcoran
Chief Special Master

³ Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by the parties' joint filing of notice renouncing the right to seek review.

benefit). This amount represents all elements of compensation to which petitioner would be entitled under 42 U.S.C. § 300aa-15(a). Petitioner agrees.

III. Form of the Award

Respondent recommends that compensation provided to petitioner should be made through a lump sum payment of **\$375,000.00**, in the form of a check payable to petitioner. Petitioner agrees.

Petitioner is a competent adult. Evidence of guardianship is not required in this case.

Respectfully submitted,

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Dated, December 18, 2020.